

CHARLES MILLER,	:	Order Docketing and Dismissing
Appellant	:	Appeal
	:	
v.	:	
	:	Docket No. IBIA 94-24-A
PORTLAND AREA DIRECTOR,	:	
BUREAU OF INDIAN AFFAIRS,	:	
Appellee	:	December 15, 1993

On December 7, 1993, the Board of Indian Appeals (Board) received a notice of appeal from appellant Charles Miller, appearing pro se. Appellant sought review of an October 18, 1993, decision of the Portland Area Director, Bureau of Indian Affairs (Area Director; BIA), in which the Area Director vacated a decision issued by the Puget Sound Agency, BIA, and remanded the matter to the Agency for further consideration. The Agency had disapproved a gift deed application filed by Lena H. Williams, in which she attempted to convey Lummi Allotment No. 59-0, Parcel 1, to appellant. The decision was sent to Lena H. Williams, with a copy to appellant.

Because it appeared that the appeal might be untimely, the Board sought information relating to service of the decision on appellant. The Area Office was unable to state when appellant received a copy of the decision. Accordingly, this appeal is assumed to be timely.

The Area Director found that the Agency had not properly followed pertinent regulations in processing the gift deed application. He therefore vacated the Agency decision and remanded the matter so that proper procedures could be followed. Although appellant indicates in his notice of appeal that he wants to answer the issues raised, that response can best and most effectively be considered within the context of the Area Director's remand.

Therefore, pursuant to the authority delegated to the Board of Indian Appeals by the Secretary of the Interior, 43 CFR 4.1, this appeal from the Area Director's October 18, 1993, decision is dismissed. This dismissal restores jurisdiction over this matter to the Bureau of Indian Affairs and, specifically, the Puget Sound Agency, which should now proceed with the further consideration ordered by the Area Director.

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Kathryn A. Lynn  
Chief Administrative Judge

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Anita Vogt  
Administrative Judge